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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/031,370  | 05/10/2002  | Fred Sundstrom       | 1502-1001           | 2514             |
| 466   | 7590        | 10/05/2004           | EXAMINER            |                  |
| YOUNG & THOMPSON<br>745 SOUTH 23RD STREET<br>2ND FLOOR<br>ARLINGTON, VA 22202 |             |                      | PICKETT, JOHN G     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3728                |                  |

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/031,370

Applicant(s)

SUNDSTROM, FRED

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office action acknowledges the applicant's Amendment submitted 26 May 2004. Claims 9-11 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Allowable Subject Matter***

3. The indicated allowability of claims 3, 5, 7, and 8 is withdrawn in view of the newly discovered reference(s) to Hartley (US 3,578,152); accordingly, this action is made **NON-FINAL**. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each claim recites the limitation, "each of which" in line 5. It is unclear as to whether the front side, back side, or bores are delimited by an endless limiting wall.

It is further unclear as to whether the screws are positively recited and if said screws are located in the bores.

***Claim Rejections - 35 USC § 103***

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prouty (US 383,908) in view of Merrick et al (US 3,812,961) and Hartley (US 3,578,152).

To examine the claims on their merits, the examiner assumes that it is each bore that is delimited by the endless wall and that the screws are positively recited and retained within the bores.

Prouty discloses a magazine for fasteners having a front side (a'), a back side (a), and a plurality of bores (a<sup>3</sup>, a<sup>2</sup>) delimited by an endless limiting wall (a<sup>1</sup>). Prouty does not expressly disclose screws within the bores.

Merrick discloses that it was known in the art at the time the invention was made to place screws in a magazine strip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place screws in the magazine strip of Prouty in order to provide a light weight strip for screw fasteners.

Prouty-Merrick does not expressly disclose a plurality of strips arranged side-by-side.

Hartley discloses a side-by-side arrangement of article retaining strips (see Figures 3, 8, and 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of strips arranged side-by-side as taught by Hartley in order to provide a rugged arrangement for the provision of a plurality of strips to a consumer. As is shown in Figure 3 of Hartley, the articles would

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be arranged in alternating bores. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### ***Response to Arguments***

6. Applicant's arguments filed 26 May 2004, with respect to claims 9-11, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. As the examiner has presented new grounds of rejection, this Office Action is made **NON-FINAL**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Pickett  
Examiner  
30 September 2004



Mickey Yu  
Supervisory Patent Examiner  
Group 3700